

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW MORRIS,

Plaintiff,

v.

BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY, et
al.,

Defendants.

Case No. [23-cv-04562-HSG](#)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR RELIEF FROM
JUDGMENT AND HIS REQUEST TO
E-FILE, AND SETTING BRIEFING
DEADLINES**

Re: Dkt. No. 36, 33, 21, 34

On January 2, 2024, the Court dismissed and closed this case in light of Plaintiff Morris's failure to prosecute. *See* Dkt. No. 31. After the Clerk entered judgment for CSU Defendants, Dkt. No. 32, Mr. Morris filed an untimely response to this Court's Order to Show Cause, Dkt. No. 35, as well as a Motion to Remand and a Motion for Permission for Electronic Case Filing. Dkt. Nos. 34 & 33. On January 8, 2024, Mr. Morris filed a Motion for Relief from Judgment, explaining that serious medical issues had prevented him from prosecuting his case, and requesting that the case be reopened. Dkt. No. 36.

Given Plaintiff's explanation, supported by documentation, that serious medical issues temporarily interfered with his ability to participate in the case, the Court will **GRANT** his motion, Dkt. No. 36. *See* Fed. R. Civ. P. 60(b)(1) ("excusable neglect" is basis for relief from judgment). The Court accordingly **ORDERS** the case re-opened and the judgment set aside, Dkt. No. 32.

The case's reinstatement means that the CSU Defendants' Motion to Dismiss, Dkt. No. 21, is still pending before the Court. The Court **DIRECTS** Plaintiff to respond to the CSU Defendants' pending Motion to Dismiss, Dkt. No. 21, by February 7, 2024. The CSU Defendants

are directed to file a reply by February 14, 2024.

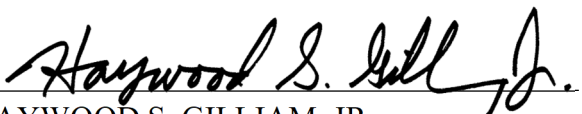
As for Plaintiff's Motion to Remand, Dkt. No. 34, the Court **DIRECTS** the CSU Defendants to respond by January 24, 2024. Plaintiffs' reply shall be due February 7, 2024. The Court further **DIRECTS** the Clerk to vacate the hearing date currently associated with this motion (December 27, 2023), and **DIRECTS** Plaintiff to re-notice his Motion to Remand for a hearing date in the future. The Court admonishes Plaintiff that he is required to comply with all of these and any other case deadlines. Should extenuating circumstances complicate his ability to do so going forward, Plaintiff must seek an extension from the Court *before* the deadline runs.

The Court further **GRANTS** Mr. Morris's request for permission to e-file in this case, Dkt. No. 33.

The Court again advises Plaintiff, who is representing himself, that he can seek assistance at the Legal Help Center if he desires assistance complying with this order. The Legal Help Center provides free information and limited-scope legal assistance to pro se litigants. More information about the Legal Help Center is provided at <http://www.cand.uscourts.gov/legal-help>. Telephone appointments may be scheduled either over the phone at (415) 782-8982 or by email at federalprobonoproject@sfbare.org.

IT IS SO ORDERED.

Dated: January 10, 2024


HAYWOOD S. GILLIAM, JR.
United States District Judge